

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SANTANA SERRANO,

Petitioner,

vs.

No. 1:18-CV-00740-JB-KRS

ROBERTA ORTIZ-LUCERO, Warden, and
HECTOR H. BALDERAS, Attorney General
for the State of New Mexico,

Respondents.

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

THIS MATTER is before the Court on Santana Serrano's third motion seeking the appointment of counsel. (Doc. 18). The Court has previously denied two earlier motions from Serrano requesting the same relief. (*See* Doc. 9) (denying Doc. 3 and Doc. 8). As grounds for the instant motion, Serrano states that she lacks legal training and that she is at present unable to visit her facility's law library due a lockdown associated with the COVID-19 pandemic. (Doc. 18).

As the Court has previously explained (Doc. 9), plaintiffs have no Sixth Amendment right to counsel in civil cases, and the decision whether to grant assistance of counsel to a pro se litigant in such cases rests in the sound discretion of the Court. *See, e.g., Beaudry v. Corr. Corp. of Am.*, 331 F.3d 1164, 1169 (10th Cir. 2003); *MacCuish v. United States*, 844 F.2d 733, 735 (10th Cir. 1988). Here, the Court observes that Serrano does not state how long the current lockdown at her facility is expected to last and how long it is expected that she will lack access to the facility's law library. The Court further observes that it has already granted Serrano's recent request for a sixty-day extension to the Court's original thirty-day deadline for responding to the pending Order to Show Cause (*see* Doc. 17), affording her considerable time beyond the original deadline to file a response to that document (*see* Doc. 14). Finally, as the Court has

previously found (*see* Doc. 9), Serrano appears to understand the issues in her case and to be representing herself in an intelligent and capable manner. *See Lucero v. Gunter*, 52 F.3d 874, 878 (10th Cir. 1995); *see also Hill v. SmithKline Beecham Corp.*, 393 F.3d 1111, 1115 (10th Cir. 2004) (setting forth factors for courts to consider in determining whether to appoint counsel in civil cases). Accordingly, the Court will again deny Serrano's request for appointment of counsel.

IT IS THEREFORE ORDERED that Serrano's "Motion for Counsel" (Doc. 18) is **DENIED**.

A handwritten signature in cursive script, reading "Kevin Sweazea".

KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE